

## PART II - CONTRACT CLAUSES

SECTION I  
CONTRACT CLAUSES**I.1 CLAUSES INCORPORATED BY REFERENCE (FAR 52.252-2) (JUN 1988) (IAW FAR 52.107(b)).**

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available.

<u>Clause No.</u>	<u>Title</u>	<u>Date</u>
52.202-1	Definitions (IAW FAR 2.201)	OCT 1995
52.203-3	Gratuities (IAW FAR 3.202)	APR 1984
52.203-5	Covenant Against Contingent Fees (IAW FAR 3.404(c))	APR 1984
52.203-6	Restriction on Subcontractor Sales to the Government (IAW FAR 3.503-2)	OCT 1995
52.203-7	Anti-Kickback Procedures (IAW FAR 3.502-3)	JUL 1995
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity (IAW FAR 3.104-10(c))	SEP 1990
52.203-12	Limitation on Payments to Influence Certain Federal Transactions (IAW FAR 3.808(b))	JAN 1990
52.204-1	Approval of Contract	DEC 1989

This contract is subject to the written approval of the Source Selection Authority (SSA) and shall not be binding until so approved (IAW FAR 4.103).

52.204-2	Security Requirements (IAW FAR 4.404(a))	APR 1984
52.204-4	Printing/Copying Double-Sided on Recycled Paper (IAW FAR 4.304)	MAY 1995
52.208-1	Required Sources for Jewel Bearings and Related Items (IAW FAR 8.203-1(a))	APR 1994
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (IAW FAR 9.409(b))	JUL 1995
52.211-5	New Material (IAW FAR 11.302(a))	MAY 1995
52.211-6	Other Than New Material, Residual Inventory, and Former Government Surplus Property (IAW FAR 11.302(b))	MAY 1995
52.211-7	Used or Reconditioned Material, Residual Inventory and Former Govern- ment Surplus Property (IAW FAR 11.302(c))	MAY 1995
52.211-15	Defense Priority and Allocation	SEP 1990

	Requirements (IAW FAR 11.604(b))	
52.215-2	Audit-Negotiation (IAW FAR 15.106-2(b))	OCT 1995
52.215-22	Price Reduction for Defective Cost or Pricing Data (IAW FAR 15.804-8(a))	OCT 1995
52.215-23	Price Reduction for Defective Cost or Pricing Data-Modifications (IAW FAR 15.804-8(b))	OCT 1995
52.215-24	Subcontractor Cost or Pricing Data (IAW FAR 15.804-8(c))	OCT 1995
52.215-25	Subcontractor Cost or Pricing Data Modifications (IAW FAR 15.804-8(d))	OCT 1995
52.215-26	Integrity of Unit Prices (IAW FAR 15.812-2)	OCT 1995
52.215-27	Termination of Defined Benefit Pension Plans (IAW FAR 15.804-8(e))	SEP 1989
52.215-31	Waiver of Facilities Capital Cost of Money (IAW FAR 15.904(b))	SEP 1987
52.215-33	Order of Precedence (IAW FAR 15.406-3(b))	JAN 1986
52.215-39	Reversion or Adjustment of Plans for Post Retirement Benefits Other Than Pensions (PRB) (IAW FAR 15.804-8(f))	FEB 1995
52.216-7	Allowable Cost and Payment (IAW FAR 16.307(a))	JUL 1995
52.216-8	Fixed Fee (Cost-Plus-Fixed-Fee) (IAW FAR 16.307(b))	APR 1984
52.216-18	Ordering FILL-IN: <u>Life of the Contract</u> (IAW FAR 16.505(a))	OCT 1995
52.216-19	Delivery Order Limitations (IAW FAR 16.506(b))	OCT 1995
52.216-22	Indefinite Quantity	OCT 1995

For the purposes of this clause the blanks are completed as follows:

(d) Contractor shall not be required to make any deliveries under this contract after expiration of due date(s) as specified in individual delivery orders (IAW FAR 16.505(e)).

52.216-27	Single or Multiple Awards (IAW FAR 16.506(g))	OCT 1995
52.217-8	Option to Extend Services (IAW FAR 17.208(f))	AUG 1989
52.217-9	Option to Extend the Term of the Contract (IAW FAR 17.208(g))	MAR 1989

For the purposes of this clause the blank(s) are completed as follows:

(a) before contract expiration; change "60 days" to "30 days" at the end of the first sentence; (c) not to exceed five years.

52.219-8	Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns (IAW FAR 19.708(a)(1))	OCT 1995
52.219-9	Small, Small Disadvantaged and Women- Owned Business Subcontracting Plan (IAW FAR 19.708(b)(1))	OCT 1995
52.219-16	Liquidated Damages-Small Business Sub-	OCT 1995

52.222-1	contracting Plan (IAW FAR 19.708(b)(2)) Notice to the Government of Labor Disputes (IAW FAR 22.103-5(a))	APR 1984
52.222-2	Payment for Overtime Premiums	JUL 1990

For the purposes of this clause the blank(s) are completed as follows:  
(a) does not exceed "zero" (IAW FAR 22.103-5(b)).

52.222-3	Convict Labor (IAW FAR 22.202)	APR 1984
52.222-4	Contract Work Hours and Safety Standards Act-Overtime Compensation (IAW FAR 22.305)	JUL 1995
52.222-26	Equal Opportunity (IAW FAR 22.810(e))	APR 1984
52.222-28	Equal Opportunity Preaward Clearance of Subcontracts (IAW FAR 22.810(g))	APR 1984
52.222-29	Notification of Visa Denial (IAW FAR 22.810(h))	APR 1984
52.222-35	Affirmative Action for Special Disabled and Vietnam Era Veterans (IAW FAR 22.1308(a)(1) and DFARS 222.1308(a)(1))	APR 1984
52.222-36	Affirmative Action for Handicapped Workers (IAW FAR 22.1408(a))	APR 1984
52.222-37	Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (IAW FAR 22.1308(b))	JAN 1988
52.222-41	Service Contract Act of 1965, as amended (IAW FAR 22.1006(a))	MAY 1989
52.222-42	Statement of Equivalent Rates for Federal Hires (IAW FAR 22.1006(b))	MAY 1989
52.222-43	Fair Labor Standards Act and Service Contract Act-Price Adjustment (Multiple Year and Option Contracts) (IAW FAR 22.1006(c)(1))	MAY 1989
52.222-47	SCA Minimum Wages and Fringe Benefits	MAY 1989

Applicable to Successor Contract Pursuant to Predecessor Contractor  
Collective Bargaining Agreements (CBA) (IAW FAR 22.6(d)).

52.223-2	Clean Air and Water (IAW FAR 23.105(b))	OCT 1995
52.223-6	Drug-Free Workplace (IAW FAR 23.505(b))	OCT 1995
52.223-12	Refrigeration Equipment and Air Conditioners	MAY 1995
52.223-14	Toxic Chemical Release Reporting (IAW FAR 23.907(b))	OCT 1995
52.224-1	Privacy Act Notification (IAW FAR 24.104)	APR 1984
52.224-2	Privacy Act (IAW FAR 24.104)	APR 1984
52.225-3	Buy American Act-Supplies (IAW FAR 25.109(d))	JAN 1994
52.225-10	Duty-Free Entry (IAW FAR 25.605(a))	APR 1984
52.225-11	Restrictions on Certain Foreign Purchases (IAW FAR 25.704)	MAY 1992
52.226-1	Utilization of Indian Organizations	AUG 1991

	and Indian-Owned Economic Enterprises (IAW FAR 26.104(a))	
52.227-1	Authorization and Consent (IAW FAR 27.201-2(a))	JUL 1995
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringements (IAW FAR 27.202-2)	APR 1984
52.227-12	Patent Rights-Retention by the Contractor (Long Form) (IAW FAR 27.303(b))	JUN 1989
52.227-14	Rights in Data-General (IAW FAR 27.409(a))	JUN 1987
52.227-16	Additional Data Requirements (IAW FAR 27.409(h))	JUN 1987
52.227-21	Technical Data Certification, Revisions, and Withholding of Payments-Major Systems	JUN 1987
52.228-5	Insurance-Work on a Government Installation (IAW FAR 28.310(a))	SEP 1989
52.228-6	Insurance-Immunity from Tort Liability (IAW FAR 28.311-1)	APR 1994
52.228-7	Insurance-Liability to Third Persons (IAW FAR 28.311-2)	APR 1984
52.229-3	Federal, State, and Local Taxes (IAW FAR 29.401-3)	JAN 1991
52.229-5	Taxes-Contracts Performed in U.S. Pos- sessions or Puerto Rico (IAW FAR 29.402-5)	JAN 1991
52.229-6	Taxes-Foreign Fixed-Price Contracts (IAW FAR 29.402-1(a))	JAN 1991
52.229-8	Foreign Cost-Reimbursement Contracts (IAW FAR 29.402-2a)	MAR 1990
52.229-10	State of New Mexico Gross Receipts and Compensating Tax (IAW FAR 29.401-6(b))	OCT 1988
52.230-2	Cost Accounting Standards (IAW FAR 30.201-4(a))	AUG 1992
52.230-3	Disclosure and Consistency of Cost Accounting Standards (IAW FAR 30.201-4(b)(1))	NOV 1993
52.230-4	Consistency in Cost Accounting Practices (IAW FAR 30.201-4(c))	AUG 1992
52.230-5	Administration of Cost Accounting Practices (IAW FAR 30.201-4(d)(1))	FEB 1995
52.232-1	Payments (IAW FAR 32.111(a)(1))	APR 1984
52.232-7	Payments Under Time-and-Materials and Labor-Hour Contracts	APR 1984

(a)(2) Withhold zero percent (See also G.4(B)(1))

52.232-8	Discounts for Prompt Payment (IAW FAR 32.111(c)(1))	APR 1989
52.232-9	Limitation on Withholding of Payments (IAW FAR 32.111(c)(2))	APR 1984
52.232-11	Extras (IAW FAR 32.111(d)(2))	APR 1984
52.232-17	Interest (IAW FAR 32.617(a) & 32.617(b))	JAN 1991
52.232-18	Availability of Funds (IAW FAR 32.705-1(a))	APR 1984
52.232-19	Availability of Funds for the Next	APR 1984

	Fiscal Year (IAW FAR 32.705-1(b))	
52.232-20	Limitation of Cost (IAW FAR 32.705-2(a))	APR 1984
52.232-23	Assignment of Claims, w/Alternate I (IAW FAR 32.806(a)(1) & (2))	JAN 1986 w/APR 1984
52.232-25	Prompt Payment	MAR 1994

For the purposes of this clause the blanks are completed as follows:

(a)(6)(I) 30th (b)(2) 30th (IAW FAR 32.908(c))

52.232-28	Electronic Funds Transfer Payment Methods (IAW FAR 32.908(d))	APR 1989
52.233-1	Disputes w/ALT I (IAW FAR 33.215)	OCT 1995 w/DEC 1991
52.233-3	Protest After Award w/Alternate I (IAW FAR 33.106(b))	OCT 1995
52.237-2	Protection of Government Buildings, Equipment and Vegetation (IAW FAR 37.110(b))	APR 1984
52.237-3	Continuity of Services (IAW FAR 37.110(c))	JAN 1991
52.242-1	Notice of Intent to Disallow Costs (IAW FAR 42.802)	APR 1984
52.242-3	Penalties for Unallowable Cost (IAW FAR 42.802)	OCT 1995
52.242-13	Bankruptcy (IAW FAR 42.903)	JUL 1995
52.243-1	Changes-Fixed-Price, w/Alternate II (IAW FAR 43.205(a)(1))	AUG 1987 w/APR 1986
52.243-2	Changes-Cost-Reimbursement w/Alternate I & II (IAW FAR 43.205(b)(1))	AUG 1987
52.243-3	Changes-Time-and-Materials or Labor Hours (IAW FAR 43.205(c))	AUG 1987
52.243-6	Change Order Accounting (IAW FAR 43.205(f))	APR 1984
52.244-1	Subcontracts (Fixed-Price Contracts) (IAW FAR 44.204(a)(1))	FEB 1995
52.244-2	Subcontracts (Cost-Reimbursement and Letter Contracts), w/Alternate I (IAW FAR 44.204(b))	FEB 1995 w/JUL 1995
52.244-3	Subcontracts (Time-and-Materials and Labor-Hour Contracts (IAW FAR 44.204(c))	APR 1985
52.244-5	Competition in Subcontracting (IAW FAR 44.204(e))	APR 1984
52.245-2	Government Property (Fixed Price) (IAW FAR 45.106(b)(1))	DEC 1989
52.245-5	Government Property (Cost-Reimbursement, Time-and-Materials, or Labor-Hour Contracts) (IAW FAR 45.106(f)(1))	JUL 1995
52.246-24	Limitation of Liability-High-Value Items w/Alternate I (IAW FAR 46.805(a)(2))	APR 1984
52.246-25	Limitation of Liability-Services (IAW FAR 46.805(a)(4))	APR 1984
52.247-1	Commercial Bill of Lading Notations (IAW FAR 47.104-4(a))	APR 1984
52.248-1	Value Engineering (IAW FAR 48.201)	MAR 1989
52.249-2	Termination for Convenience of the Gov-	APR 1984

	ernment (Fixed-Price) (IAW FAR 49.502(b)(1)(I))	
52.249-6	Termination (Cost Reimbursement)	MAY 1986
	Alternate IV (IAW FAR 49.503(a)(1) & (4))	w/APR 1984
52.249-8	Default (Fixed Price Supply and Services) (IAW FAR 49.504(a)(1))	APR 1984
52.249-14	Excusable Delays (IAW FAR 49.505(d))	APR 1984
52.251-1	Government Supply Sources (IAW FAR 51.107))	APR 1984
52.253-1	Computer Generated Forms (IAW FAR 53.111)	JAN 1991

**DFARS CLAUSES:**

252.201-7000	Contracting Officer's Representative (IAW DFARS 201.602.70)	NOV 1995
252.203-7000	Statutory Prohibition on Compensation to Former Department of Defense Employees (IAW DFARS 203.170-4)	NOV 1995
252.203-7001	Special Prohibition on Employment (IAW DFARS 203.570-5)	APR 1993
252.203-7002	Display of DoD Hotline Poster (IAW DFARS 203.7002)	DEC 1991
252.203-7003	Prohibition Against Retaliatory Personnel Actions (IAW DFARS 203.7108)	APR 1992
252.204-7000	Disclosure of Information (IAW DFARS 204.404-70(a))	DEC 1991
252.204-7002	Payment for Subline Items Not Separately Priced (IAW DFARS 204.7104-1(b)(3)(iv))	DEC 1991
252.204-7003	Control of Government Personnel Work Product (IAW DFARS 204.404-70(b))	APR 1992
252.205-7000	Provision of Information to Cooperative Agreement Holders (IAW DFARS 205.470-2)	DEC 1991
252-209-7000	Acquisition from Subcontractor Subject to On-Site Inspection Under the Intermediate-Range Nuclear Forces (INF) Treaty (IAW DFARS 209.104-70(c))	NOV 1995
252.209-7004	Reporting of Commercial Transactions with the Government of a Terrorist Country (IAW DFARS 209.104-70(d))	SEP 1994
252.215-7000	Pricing Adjustments (IAW DFARS 215.804-8(1))	DEC 1991
252.215-7001	Availability of Contractor Records (IAW DFARS 215.804-8(2))	DEC 1991
252.215-7002	Cost Estimating System Requirements (IAW DFARS 215.811-70(h))	DEC 1991
252.219-7003	Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (DoD Contracts) (IAW DFARS 219.708(b)(1)(A))	MAY 1994
252.219-7005	Incentive for Subcontracting with Small Businesses, Small Disadvantaged Businesses, Historically Black Colleges and Universities, and Minority Institutions	DEC 1991

For the purposes of this clause the blank is completed as follows: (a) zero percent (IAW DFARS 219.708(c)(1)).

252.223-7004	Drug-Free Work Force (IAW DFARS 223.510-3)	SEP 1988
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252.223-7006	Prohibition on Storage and Disposal of Toxic and Hazardous Material (IAW DFARS 223.7006)	APR 1993
252.225-7001	Buy American Act and Balance of Payments Program (IAW DFARS 225.109(d))	JAN 1994
252.225-7002	Qualifying Country Sources as Subcontractors (IAW DFARS 225.109-70(a))	DEC 1991
252.225-7003	Information for Duty-Free Entry Evaluation (IAW DFARS 225.109-70(b))	AUG 1992
252.225-7007	Trade Agreements (IAW DFARS 225.408(a)(2))	JAN 1994
252.225-7008	Supplies to be Accorded Duty-Free Entry: <u>None</u> (IAW DFARS 225.605-70(a))	DEC 1991
252.225-7009	Duty-Free Entry-Qualifying Country End Products and Supplies (IAW DFARS 225.605-70(b))	DEC 1991
252.225-7010	Duty-Free Entry-Additional Provisions (IAW DFARS 225.605-70(d))	DEC 1991

For the purposes of paragraph (d) of this clause, the CAO is listed on the front page of this document.

252.225-7012	Preference for Certain Domestic Commodities (IAW DFARS 225.7002-4(a))	NOV 1995
252.225-7016	Restriction on Acquisition of Anti-friction Bearing (IAW DFARS 225.7019-4)	NOV 1995
252.225-7025	Foreign Source Restrictions (IAW DFARS 225.7105(a))	APR 1993
252.225-7026	Reporting of Contract Performance Outside the United States (IAW DFARS 225.7203)	NOV 1995
252.225-7000	Non-Estoppel (IAW DFARS 227.7009-1)	OCT 1966
252.227-7001	Release of Past Infringement (IAW DFARS 227.7009-2(a))	AUG 1984
252.227-7013	Right in Technical Data Non-Commercial Items (IAW DFARS 227.7103-6(a))	NOV 1995
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (IAW DFARS 227.7203-6(a)(1))	JUN 1995
252.227-7016	Rights in Bid and Proposal Information (IAW DFARS 227.7103(6)(e))	JUN 1995
252.227-7017	Identification and Assertion of Use, Release, or Disclosure Restrictions (IAW DFARS 227.7103(b))	JUN 1995
252.227-7019	Identification of Restricted Rights Computer Software (IAW DFARS 227.403-77(b)(2)(ii))	JUN 1995
252.227-7025	Limitation on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends (IAW DFARS 227.7103-6(c))	JUN 1995
252.227-7027	Deferred Ordering of Technical Data or Computer Software (IAW DFARS 227.7103-8(b))	APR 1988
252.227-7028	Technical Data or Computer Software Previously Delivered to the Government (IAW DFARS 227.7103-6(d))	JUN 1995
252.227-7030	Technical Data-Withholding of Payment	OCT 1988

(IAW DFARS 227.7103(e))

For the purposes of this clause, the Contracting Officer may withhold ten percent (10%) of the total contract price.

252.227-7032	Rights in Technical Data and Computer Software (Foreign) (IAW DFARS 227.7103-17)	JUN 1975
252.227-7034	Patents-Subcontracts (IAW DFARS 227.304-4)	APR 1984
252.227-7036	Certification of Technical Data Conformity (IAW DFARS 227.403-74(c))	MAY 1987
252.227-7037	Validation of Restrictive Markings on Technical Data (IAW DFARS 227.403-73(a))	JUN 1995
252.231-7000	Supplemental Cost Principles (IAW DFARS 231.100-70)	DEC 1991
252.231-7001	Penalties for Unallowable Costs (IAW DFARS 231.7002-6)	MAY 1994
252.232-7006	Reduction or Suspension of Contract Payments Upon Finding of Fraud (IAW DFARS 232.111-70)	AUG 1992
252.232-7007	Limitation of Government's Obligation (for Fixed Price Contracts) (IAW DFARS 232.705-70)	AUG 1993
252.233-7000	Certification of Claims and Requests for Adjustment or Relief (IAW DFARS 233.7001)	MAY 1994
252.234-7001	Cost/Schedule Control Systems (IAW DFARS 234.005-70)	DEC 1991
252.235-7003	Frequency Authorization (IAW DFARS 235.071(b))	DEC 1991
252.237-7019	Identification of Uncompensated Overtime (IAW DFARS 252.237-7019)	APR 1992
252-239-7000	Protection Against Compromising Emanations (IAW DFARS 239.7102-3(a))	DEC 1991
252.242-7000	Postaward Conference (IAW DFARS 252.242.570)	DEC 1991
252.242-7001	Certification of Indirect Costs (IAW DFARS 252.242-770-6)	DEC 1991
252.242-7002	Submission of Commercial Freight Bills for Audit (IAW DFARS 242.1404-2-70(a))	DEC 1991
252.242-7004	Material Management and Accounting System (IAW DFARS 242.7206)	DEC 1991
252.242-7005	Cost/Schedule Status Report (IAW DFARS 242.1107-70)	DEC 1991
252.243-7000	Engineering Change Proposal (IAW DFARS 243.205-70)	MAY 1994
252.243-7001	Pricing of Contract Modifications (IAW DFARS 243.205-71)	DEC 1991
252.245-7001	Reports of Government Property (IAW DFARS 245.505-14(a))	MAY 1994
252.246-7000	Material Inspection and Receiving Report (IAW DFARS 246.370)	DEC 1991
252.246-7001	Warranty of Data (IAW DFARS 246.710(1))	DEC 1991
252.249-7001	Notification of Substantial Impact on Employment (IAW DFARS 249.7002(c))	DEC 1991



Note - This clause is applicable to all contracts of \$5 million or more and all contracts with subcontracts of \$500,000 or more.

252.251-7000	Ordering from Government Supply Sources (IAW DFARS 251-107)	MAY 1995
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**FIRMR CLAUSES:**

201-39.5202-5	Privacy or Security Safeguards (IAW FIRMR 201.39.1001-3)	OCT 1990
239-39.5202.6	Warranty Exclusion and Limitation of Damages (IAW FIRMR 201.39.4601)	OCT 1990

**I.2 REQUIREMENT FOR CERTIFICATE OF PROCUREMENT INTEGRITY-MODIFICATION  
(FAR 52.203-9) (IAW FAR 2.10410(b)) (SEP 1995).**

a. Definitions. The definitions set forth in FAR 3.104-4 are hereby incorporated in this clause.

b. The Contractor agrees that it will execute the certification set forth in paragraph (c) of this clause when requested by the Contracting Officer in connection with the execution of any modification of this contract.

c. Certification. As required in paragraph (b) of this clause, the officer or employee responsible for the modification proposal shall execute the following certification. The certification I paragraph (c)(2) of this clause is not required for a modification which procure commercial items.

**CERTIFICATE OF PROCUREMENT  
INTEGRITY-MODIFICATION (NOV 1990)**

(1) I, \_\_\_\_\_ [Name of certifier] am the officer or employee responsible for the preparation of this modification proposal and hereby certify that, to the best of my knowledge and belief, with the exception of any information described in this certification, I have no information concerning a violation or possible violation of subsection 27(a), (b), (d), or (f) of the Office of Federal Procurement Policy Act, as amended\* (41 U.S.C. 423), (hereinafter referred to as "the Act"), as implemented in the FAR, occurring during the conduct of this procurement (contract and modification number).

(2) As required by subsection 27(e)(1)(B) of the Act, I further certify that to the best of my knowledge and belief, each officer, employee, agent, representative, and consultant of \_\_\_\_\_ [Name of Offeror] who has participated personally and substantially in the preparation or submission of this proposal has certified that he or she is familiar with, and will comply with, the requirements of subsection 27(a) of the Act, as implemented in the FAR, and will report immediately to me any information concerning a violation or possible violation of subsections 27(a), (b), (d) or (f) of the Act, as implemented in the FAR, pertaining to this procurement.

(3) Violations or possible violations: (Continue on plain bond paper if necessary and label Certificate of Procurement Integrity-Modification (Continuation Sheet), ENTER "NONE" IF NONE EXISTS) \_\_\_\_\_

\_\_\_\_\_  
[Signature of the officer or employee responsible for the modification proposal and date]

\_\_\_\_\_  
[Typed name of the officer or employee responsible for the modification proposal]

\_\_\_\_\_  
\*Subsections 27(a), (b), and (d) are effective on December 1, 1990. Subsection 27(f) is effective on June 1, 1991.

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER TITLE 18, UNITED STATES CODE, SECTION 1001.

**(End of certification)**

(d) In making the certification in paragraph (2) of the certificate, the officer or employee of the competing Contractor responsible for the offer or bid, may rely upon a one-time certification from each individual required to submit a certification to the competing Contractor, supplemented by periodic training. These certifications

shall be obtained at the earliest possible date after an individual required to certify begins employment or association with the contractor. If a contractor decides to rely on a certification executed prior to the suspension of section 27 (i.e., prior to December 1, 1989), the Contractor shall ensure that an individual who has so certified is notified that section 27 has been reinstated. These certifications shall be maintained by the Contractor for a period of 6 years from the date a certifying employee's employment with the company ends or, for an agency, representative, or consultant, 6 years from the date such individual ceases to act on behalf of the contractor.

(e) The certification required by paragraph (c) of this clause is a material representation of fact upon which reliance will be placed in executing this modification.

**I.3 REQUIREMENTS FOR COST OR PRICING DATA OR INFORMATION OTHER THAN COST OR PRICING DATA-MODIFICATIONS (52.215-42) (OCT 1995) (IAW FAR 15.804-8(i)).**

(a) Exceptions from cost or pricing data. (1) In lieu of submitting cost or pricing data for modifications under this contract, for price adjustments expected to exceed the threshold set forth at FAR 15.804-2(a)(1) on the date of the agreement on price or the date of the award, whichever is later, the Contractor may submit a written request for exception by submitting the information described in the following subparagraphs. The Contracting Officer may require additional supporting information, but only to the extent necessary to determine whether an exception should be granted, and whether the price is fair and reasonable-

(i) Information relative to an exception granted for prior or repetitive acquisitions.

(ii) Catalog price information as follows:

(A) Attach a copy of or identify the catalog and its date, or the appropriate pages for the offered items, or a statement that the catalog is on file in the buying office to which this proposal is being made.

(B) Provide a copy or describe current discount policies and price lists (published or unpublished), e.g., wholesale, original equipment manufacturer, and reseller.

(C) Additionally, for each catalog item that exceeds \_\_\_\_\_\* (extended value not unit price), provide evidence of substantial sales to the general public. This may include sales order, contract, shipment, invoice, actual recorded sales or other records that are verifiable. In addition, if the basis of the price proposal is sales of essentially the same commercial item by affiliates, other manufacturers or vendors, those sales may be included. The offeror shall explain the basis of each offered price and its relationship to the established catalog price. When substantial general public sales have also been made at prices other than catalog or price list prices,

the offeror shall indicate how the proposed price relates to the price of such recent sales in quantities similar to the proposed quantities.

(iii) Market price information. Include the source and date or period of the market quotation or other basis for market price, the base amount, and applicable discounts. The nature of the market should be described. The supply or service being purchased should be the same as or similar to the market price supply or service. Data supporting substantial sales to the general public is also required.

(iv) Identification of the law or regulation establishing the price offered. If the price is controlled under law by periodic rulings, reviews, or similar actions of a governmental body, attach a copy of the controlling document, unless it was previously submitted to the contracting office.

(v) Information on modifications of contracts or subcontracts for commercial items.

(A) If (1) The original contract or subcontract was granted an exception from cost or pricing data requirements because the price agreed upon was based on adequate price competition, catalog or market prices of commercial items, or prices set by law or regulation; and (2) the modification (to the contract or subcontract) is not exempted based on one of these exceptions, then the Contractor may provide information to establish that the modification would not change the contract or subcontract from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

(B) For a commercial item exception, the Contractor may provide information on prices at which the same item or similar items have been sold in the commercial market. (2) The Contractor grants the Contracting Officer or an authorized representative the right to examine, at any time before books, records, documents, or other directly pertinent records to verify any request for an exception under this clause, and the reasonableness of price. Access does not extend to cost or profit information or other data relevant solely to the Contractor's determination of the prices to be offered in the catalog or marketplace. (3) By submitting information to qualify for an exception, an offeror is not representing that this is the only exception that may apply.

(b) Requirements for cost or pricing data. If the Contractor is not granted an exception from the requirement to submit cost or pricing data, the following applies: (1) The Contractor shall submit cost or pricing data on Standard Form (SF) 1411, Contract Pricing Proposal Cover Sheet (Cost or Pricing Data Required), with supporting attachments prepared in accordance with Table 15-2 of FAR 15.804-6(b)(2). (2) As soon as practicable after agreement on price, but before award (except for unpriced actions), the Contractor shall submit a Certificate of Current Cost or Pricing Data, as prescribed by FAR 15.804-4.

(End of clause)

Alternate II (OCT 1995). As prescribed in 15.804-8(i), add the following paragraph (c) to the basic clause: (c) When the proposal is submitted, also submit one copy each, including the SF 1411 and supporting attachments, to: (1) The administrative Contracting Officer, and (2) the Contract Auditor.

**I.4 OZONE-DEPLETING SUBSTANCES (52.223-11) (FAR 23.804(a) (MAY 1995)).**

(a) Definitions.

"Class I substance," as used in this clause, means any substance designated as class I by the Environmental Protection Agency (EPA) (40 CFR Part 82), including but not limited to chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform. "Class II substance," as used in this clause, means any substance designated as class II by EPA (40 CFR Part 82), including but not limited to hydrochlorofluorocarbons.

(b) As required by 42 U.S.C. 7671j (b), (c), and (d) and 40 CFR Part 82, Subpart E, the Contractor shall label products which contain a class I or class II ozone-depleting substance or are manufactured with a process that uses class I or class II ozone-depleting substances, or containers of class I or class II ozone-depleting substances, as follows:

"WARNING: Contains (or manufactured with, if applicable) \_\_\_\_\_\*\_\_\_\_\_, a substance(s) which harm(s) public health and environment by destroying ozone in the upper atmosphere." \*The Contractor shall insert the name of the substance(s).

(End of clause)

**I.5 TRANSPORTATION OF SUPPLIES BY SEA (DFARS 252.247-7023) (IAW DFARS 247.573(b)) (DEC 1991).**

(a) Definitions. As used in this clause--

(1) "Components" means articles, materials, and supplies incorporated directly into end products at any level of manufacture, fabrication, or assembly by the Contractor or any subcontractor.

(2) "Department of Defense" (DoD) means the Army, Navy, Air Force, Marine Corps, and defense agencies.

(3) "Foreign flag vessel" means any vessel that is not a U.S.-flag vessel.

(4) "Ocean transportation" means any transportation aboard a ship, vessel, boat, barge, or ferry through international Waters.

(5) "Subcontractor" means a supplier, material man, distributor, or vendor at any level below the prime contractor whose contractual obligation to perform results from, or is conditioned upon,

award of the prime contract and who is performing any part of the work or other requirement of the prime contract.

(6) "Supplies" means all property, except land and interests in land, that is clearly identifiable for eventual use by or owned by the DoD at the time of transportation by sea.

(i) An item is clearly identifiable for eventual use by the DoD if, for example, the contract documentation contains a reference to a DoD contract number or a military destination.

(ii) "Supplies" includes (but is not limited to) public works; buildings and facilities; ships; floating equipment and vessels of every character, type, and description, with parts, subassemblies, accessories, and equipment; machine tools; material; equipment; stores of all kinds; end items; construction materials; and components of the foregoing.

(7) "U.S.-flag vessel" means a vessel of the United States or belonging to the United States, including any vessel registered or having national status under the laws of the United States.

(b) The Contractor shall employ U.S.-flag vessels in the transportation by sea of any supplies to be furnished in the performance of this contract. The Contractor and its subcontractors may request that the Contracting Officer authorize shipment in foreign-flag vessels, or designate available U.S.-flag vessels, if the Contractor or a subcontractor believes that-

(1) U.S.-flag vessels are not available for timely shipment;

(2) The freight charges are inordinately excessive or unreasonable; or

(3) Freight charges are higher than charges to private persons for transportation of like goods.

(c) The Contractor must submit any request for use of other than U.S.-flag vessels in writing to the Contracting Officer at least 45 days prior to the sailing date necessary to meet its delivery schedules. The Contracting Officer will process requests submitted after such date(s) as expeditiously as possible, but the Contracting Officer's failure to grant approvals to meet the shipper's sailing date will not of itself constitute a compensable delay under this or any other clause of this contract. Requests shall contain at a minimum--

(1) Type, weight, and cube of cargo;

(2) Required shipping date;

(3) Special handling and discharge requirements;

(4) Loading and discharge points;

(5) Name of shipper and consignee;

(6) Prime contract number; and

(7) A documented description of efforts made to secure U.S.-flag vessels, including points of contact (with names and telephone

numbers) with at least two U.S.-flag carriers contacted. Copies of telephone notes, telegraphic and facsimile message or letters will be sufficient for this purpose.

(d) The Contractor shall, within 30 days after each shipment covered by this clause, provide the Contracting Officer and the Division of National Cargo, Office of Market Development, Maritime Administration, U.S. Department of Transportation, Washington, DC 20590, one copy of the rated on board vessel operating carrier's ocean bill of lading, which shall contain the following information--

- (1) Prime contract number;
- (2) Name of vessel;
- (3) Vessel flag of registry;
- (4) Date of loading;
- (5) Port of loading;
- (6) Port of final discharge;
- (7) Description of commodity;
- (8) Gross weight in pounds and cubic feet if available;
- (9) Total ocean freight in U.S. dollars; and
- (10) Name of the steamship company.

(e) The Contractor agrees to provide with its final invoice under this contract a representation that to the best of its knowledge and belief--

(1) No ocean transportation was used in the performance of this contract;

(2) Ocean transportation was used and only U.S.-flag vessels were used for all ocean shipments under the contract;

(3) Ocean transportation was used, and the Contractor had the written consent of the Contracting Officer for all non-U.S.-flag ocean transportation; or

(4) Ocean transportation was used and some or all of the shipments were made on non-U.S.-flag vessels without the written consent of the Contracting Officer. The Contractor shall describe these shipments in the following format:

<u>Item</u>	<u>Contract</u>	<u>Quantities</u>
<u>Description</u>	<u>Line Items</u>	

(f) If the final invoice does not include the required representation, the Government will reject and return it to the Contractor as an improper invoice for the purposes of the Prompt Payment clause of this contract. In the event there has been unauthorized use of non-U.S.-flag vessels in the performance of this contract, the Contracting Officer is entitled to equitably adjust the contract, based on the unauthorized use.

(g) The Contractor shall include this clause, including this paragraph (g) in all subcontracts under this contract, which exceed the small purchase limitation of section 13.000 of the Federal Acquisition Regulation.

(END OF SECTION I)